

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

SYNAGRO TECHNOLOGIES, INC.,) CIVIL NO. 04-00509 SPK/LEK
Plaintiff,)
v.)
GMP HAWAII, INC.)
Defendant.)

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAR 14 2005

at 3 o'clock and 53 min. P.M.
WALTER A. Y. H. CHINN, CLERK

ORDER GRANTING DEFENDANT'S MOTION TO CONTINUE PURSUANT
TO FED. R. CIV. P. 56(F) and DENYING WITHOUT PREJUDICE
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Plaintiff Synagro Technologies, Inc. ("Synagro"), has moved for summary judgment as to a counterclaim pled by Defendant GMP Hawaii, Inc. ("GMP"). GMP has opposed the motion and filed a motion to continue pursuant to Fed. R. Civ. P. 56(f), asking for more time for discovery. A hearing is currently set for March 18, 2005. The Court has conducted a preliminary review of the filings on both Synagro's Motion for Summary Judgment and GMP's Motion to Continue.


Among GMP's arguments is a proffer that its counsel, Richard Sutton, recently moved law firms and was unable to, or had difficulty, litigating this matter because of logistics associated with the change. The case is relatively new, having been filed in August of 2004 (Synagro's motion was filed in January 2005). Very

EXHIBIT D

little, if any, discovery has occurred. Thus, although Synagro's Motion for Summary Judgment may have merit, the Court will allow GMP an additional opportunity to conduct relevant discovery before conducting a hearing on Synagro's motion. The substance of the counterclaim appears to be somewhat intertwined with the claims in Synagro's complaint. In any event, the Court GRANTS GMP's Motion to Continue and DENIES Synagro's Motion for Summary Judgment, without prejudice to re-filing after an appropriate period for discovery. The Court finds this matter suitable for decision without an oral hearing pursuant to Local Rule 7.2(d); the hearing now set for Friday, March 18, 2005, is VACATED.

IT IS SO ORDERED.

DATED: 14 March, 2005.



SAMUEL P. KING
United States District Judge

Synagro v. GMP Hawaii, Civ. No. 04-00509SPK/LEK, ORDER GRANTING DEFENDANT'S MOTION TO CONTINUE PURSUANT TO FED. R. CIV. P. 56(F) and DENYING WITHOUT PREJUDICE PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT